

REMARKS***Objection to Abstract***

The Office stated that the abstract contained no definition for the variable A<sup>1</sup>. Applicants submit that they have amended the abstract to include the definition of A<sup>1</sup>.

***Objection to Specification***

The Office stated that page 97 of the specification contained errors in the chemical structure. Applicants submit replacement page 97, attached as Appendix A.

***Rejection under 35 U.S.C. § 112, second paragraph***

Reconsideration and withdrawal of rejection of claims 66-130 under 35 U.S.C. § 112 is respectfully requested.

- I. On page three of the Office Action, the Office rejected claims 66 and claims dependent thereon, stating that the phrase "thioalkyl" is unclear and therefore indefinite.

Applicants disagree with this assertion, and submit that the phrase "thioalkyl" is clear and definite. The term "thioalkyl" is defined on page 24 of the specification to mean "a radical of the formula R<sup>77</sup>—S— wherein R<sup>77</sup> is alkyl as defined above." Alkyl is defined on page 15 of the specification to refer to a strait chain or branched chain hydrocarbon radicals having from about 1 to about 10 carbon atoms, and more preferably 1 to about 6 carbon atoms."

Thus, Applicants submit that one skilled in the art would understand the bounds of the claim when read in light of this definition, and the claim is definite.

- II. On page three of the Office Action, the Office rejected claims 66 and claims dependent thereon, stating that the phrases "acylamino" and "sulfonamide" are unclear and

therefore indefinite. Further, the Office states that the point of the attachment to A<sup>1</sup> is unclear.

Applicants disagree with these assertions, and submit that the phrases "acylamino" and "sulfonamide" are clear and definite. The term "acylamino" is defined on page 19 of the specification to mean a radical of

the formula 
$$\text{R}^{30}-\overset{\text{O}}{\parallel}{\text{C}}-\text{NH}-$$
 wherein R<sup>30</sup> is alkyl, aralkyl or aryl as defined above." The definition of alkyl is described above, and the definition of aralkyl is on page 16 of the specification as -R<sup>22</sup>-R<sup>21</sup> "wherein R<sup>21</sup> is aryl as defined above and R<sup>22</sup> is an alkylene as defined above." Alkylene is defined on page 16 of the specification to mean "divalent linear or branched saturated hydrocarbon radicals of 1 to about 6 carbon atoms."

The definition of aryl is on pages 15-16 of the specification as "aromatic ring systems composed of one or more aromatic rings."

Applicants submit that the point of attachment to A<sup>1</sup> is also definite, due to the way in which the radical is drawn, it would be clear to one of skill in the art that the point of attachment is from the amino group.

The term "sulfonamide" is defined on page 17 of the specification

to mean a radical of the formula 
$$\begin{array}{c} \text{O} \\ \parallel \\ \text{S}-\text{N} \\ \parallel \quad \diagup \quad \diagdown \\ \text{O} \quad \text{R}^7 \quad \text{R}^8 \end{array}$$
, wherein R<sup>7</sup> and R<sup>8</sup> are defined on page 8 of the specification as being independently selected from the group consisting of H; alkyl; aralkyl; amino; alkylamino; hydroxy; alkoxy; arylamino; amido, alkylcarbonyl, arylcarbonyl; alkoxy carbonyl; aryloxy; aryloxy carbonyl; haloalkylcarbonyl; haloalkoxy carbonyl; alkylthiocarbonyl; arylthiocarbonyl; acyloxymethoxycarbonyl; cycloalkyl; bicycloalkyl; aryl; acyl; benzoyl; all of which are well known in the art or have been defined in the specification.

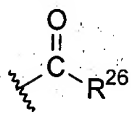
Applicants also submit that the point of attachment to A<sup>1</sup> is also definite, due to the way in which the radical is drawn, it would

be clear to one of skill in the art that the point of attachment is from the sulfone group.

Thus, Applicants submit that one skilled in the art would understand the bounds of the claim when read in light of these definitions, and the claim is definite.

III. On page three of the Office Action, the Office rejected claims 66 and claims dependent thereon, stating that the phrase "acyl" is unclear and therefore indefinite.

Applicants disagree with this assertion, and submit that the phrase "acyl" is clear and definite. The term "acyl" is defined on page 19 of the specification to mean

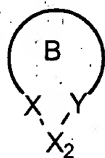


wherein  $\text{R}^{26}$  is alkyl, alkenyl, alkynyl, aryl or aralkyl and optionally substituted thereon as defined above.

Thus, Applicants submit that one skilled in the art would understand the bounds of the claim when read in light of these definitions, and the claim is definite.

IV. On page four of the Office Action, the Office rejected claims 66 and claims dependent thereon, stating that the phrase "B forms...ring system" is indefinite.

Applicants respectfully disagree with this assertion, and submit that the



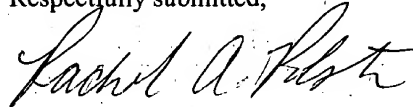
term in Claim 66, "  $\text{X}_2$  forms a 3-8 membered monocyclic ring system; or an 8-11 membered bicyclic system; optionally saturated or unsaturated; the monocyclic ring system optionally containing 1-2 heteroatoms selected from N, O and S;" is definite. To satisfy definiteness, an applicant "need only reasonably apprise those skilled in the art of the

scope of the invention." *Miles Laboratories v. Shandon, Inc.*, 27 USPQ2d 1123 (Fed. Cir. 1993). Determining whether a patent claim is definite requires analysis of whether one skilled in the art would understand the bounds of the claim when read in light of the specification. Those skilled in the art will be able to determine immediately from the term what the bounds of this claim are. There are a finite number of ring structures that fit within the definition, and the bounds are clearly drawn. Further, breadth is not indefiniteness. *In re Robins*, 166 USPQ 552, 555 (C.C.P.A. 1970).

In view of the foregoing remarks, it is respectfully submitted that all claims now active in the present application are in condition for allowance. Therefore, passage of the application and claims to issue is respectfully requested.

No further fee or petition is deemed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 19-1025, and deem this paper to be the required petition.

Respectfully submitted,



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